

Appl. No. 10/050,395
Arndt. dated June 11, 2004
Reply to Office Action of December 31, 2003
Attorney Docket K-1709

REMARKS/ARGUMENTS

This Amendment is submitted in response to the Official Letter dated December 31, 2003. Claims 1, 3, 5-7, 10-13, and 16-19 and new claim 20 are currently pending for examination. Claims 2, 4, 8, 9, 14, and 15 have been cancelled thus obviating the need to address any rejections pertaining to such claims. Favorable reconsideration of the application is respectfully requested.

1. Allowable Subject Matter

Applicant gratefully acknowledges the Examiner's indication that Claims 3, 6, 7, 10-13, 16-19 would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. As suggested by the Examiner, Claims 3, 6, 7, 10, 11, 13, 16, 17 and 19 have been amended to include the limitations of the base claims. Applicant respectfully requests withdrawal of the objection and allowance of such claims.

2. Objection to the Disclosure

The disclosure stand objected to because of an informality. In the specification, multiple paragraphs have been edited to change the word "course" to "coarse" as was noted in the Office Action. Withdrawal of the objection is respectfully requested.

3. Rejection of Claim 1 under 35 U.S.C. 102(b)

Claim 1 stands rejected under 35 U.S.C. 102(b) as being anticipated by Calgano. The Office Action provides:

"See figure 5 and column 7, lines 5+. Motor 82 rotates a cutter 95, and a sleeve 119 (first portion) having threads 121, 123, is rotated relative to motor housing 82 (second portion) to adjust the depth of cut. While the device of Calgano is scoring rather than drilling, the intended use set forth in lines 1-2 of claim 1 is given no patentable weight, as there is no explicit drilling structure set forth in the rest of the claim. The sentence bridging columns 7 and 8 also acknowledges that this depth adjuster can be used with other cutting apparatus."

In order for a reference to be an anticipatory reference, the reference must disclose each and every element of the claimed invention. It is respectfully submitted that Calgano does not teach nor suggest all the elements recited in the claims as amended.

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Calgano teaches the utilization of two sets of screw threads to facilitate height adjustment of the tool, one set being right hand thread and the other left hand thread (column 7, line 15 et seq.) It will be appreciated that the use of two sets of threads of opposite hand provides for only one incremental level of adjustment. The amount of travel created by the use of opposing threads makes it impractical to make height adjustments of small dimensions, i.e. fine adjustment. The present invention utilizes two sets of threads of different pitch. Amended claim 1 describes a structure having two portions threadedly adjustable to each other. One of the two portions is also threadedly adjustable relative to a drill motor or work piece. The use of threads of different pitch is designed to allow for both coarse and fine adjustment unlike what is taught by Calgano.

For at least these reasons, Claim 1 as amended is allowable over Calgano. Withdrawal of the rejection is respectfully requested.

4. Rejection of Claim 1 under 35 U.S.C. 102(b)

Claim 1 stands rejected under 35 U.S.C. 102(b) as being anticipated by Reil. The Office Action provides:

"Note drill motor 23, first portion 34, and the enlarged diameter portion of cylinder 18 (the second portion). The two portions are connected by threads, and rotation of nut 34 adjusts the position of the drill relative to the workpiece, in order to set the depth of cut."

Reil appears to disclose a device that utilizes a single set of threads to adjust the position of an adjusting nut 34 (See Fig. 1). The adjusting nut serves as a depth control for the punching /cutting device taught by Reil. The use of the single set of threads only allows for a single level of adjustment. The use of two sets of threads is neither provided for nor taught by Reil. Amended claim 1 describes a structure having two portions threadedly adjustable to each other. One of the two portions is also threadedly adjustable relative to a drill motor or work piece. The use of two sets of threads of different pitch allow for both coarse and fine adjustment unlike what is taught by Reil.

For at least these reasons, Claim 1 as amended is allowable over Reil. Withdrawal of the rejection is respectfully requested.

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5. Rejection of Claim 1 under 35 U.S.C. 102(b)

Claim 1 stands rejected under 35 U.S.C. 102(b) as being anticipated by Riley. The Office Action provides:

“Note slip fit 56 (first portion) and threaded member 50 (second portion). Member 56 rotates on the front of the drill housing, but it does not move axially. As 56 is rotated, threads 52,54, cause member 50 to move axially to adjust the distance between the drill motor and the workpiece. The unnumbered member just above the workpiece 44 is a drill plate/support (see column 3, line 30).”

The mechanism taught by Riley uses a single set of threads as shown by 52 & 54 in FIGS. 1 & 5 to adjust the distance between the drill motor and the workpiece. As previously stated, use of only a single set of threads only allows for a single level of adjustment. The use of two sets of threads is neither provided for nor taught by Riley. Amended claim 1 describes a structure having two portions threadably adjustable to each other. One of the two portions is also threadably adjustable relative to a drill motor or work piece. The use of two sets of threads of different pitch allow for both coarse and fine adjustment unlike what is taught by Riley.

For at least these reasons, Claim 1 as amended is allowable over Riley. Withdrawal of the rejection is respectfully requested.

6. Rejection of Claims 1 and 5 under 35 U.S.C. 102(b)

Claims 1 and 5 stand rejected under 35 U.S.C. 102(b) as being anticipated by Eckman. The Office Action provides:

“First portion 91 is moved axially relative to member 90 to adjust the distance between the motor and workpiece. Screw 92 clamps the two portions in the desired location.”

Eckman teaches a depth adjustment mechanism that uses guide screws 92 positioned in longitudinal slots to allow first portion 91 to be adjusted relative to member 90. No means for providing or controlling adjustments in either a coarse or fine manner is taught. Also, the stop is held in place with lock screws that rely on friction between the bottom of the screw head and the slot. Such a mechanism would tend to be susceptible to unwanted changes in stop position. The device described in amended claim 1 uses screw threads for an adjustment

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which provide for a more dependable solution as well as provide for both a coarse and fine level of adjustability.

For at least these reasons, Claims 1 and 5 are allowable over Eckman. Withdrawal of the rejection is respectfully requested.

7. Rejection of Claim 1 under 35 U.S.C. 102(b)

Claim 1 stands rejected under 35 U.S.C. 102(b) as being anticipated by Bone. The Office Action provides:

"Note first portion 20 on the motor housing and second portion 22. As the two are rotated relative to each other, the depth of cut is adjusted. While the device of Bone is routing rather than drilling, the intended use set forth in lines 1-2 of claim 1 is given no patentable weight, as there is no explicit drilling structure set forth in the rest of the claim."

Bone teaches a depth adjusting mechanism that uses a single set of threads to vary the depth of cut. As previously stated, use of a single set of threads allows only for a single level of adjustability of the device. The mechanism described in amended claim 1 uses two sets of threads having different pitch. The use of the two sets of threads of differing pitch allows for two levels of adjustability. Bone neither teaches nor suggests the use of more than a single set of threads nor threads of different pitch.

For at least these reasons, Claim 1 as amended is allowable over Bone. Withdrawal of the rejection is respectfully requested.

8. Extension of Time

Applicant hereby Petitions for an extension of time of three months from the Office Action date of December 31, 2003, until June 31, 2004. Please charge the petition fee for such extension to Deposit Account No. 502867.

9. Request For Telephone Interview

As a final matter, if the Examiner has any suggestions concerning different claim phraseology that, in the opinion of the Examiner, more accurately defines the present invention, prior to issuance of another Office Action, Applicant's undersigned attorney

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requests the courtesy of a telephone interview at the Examiner's earliest convenience to discuss the application. Applicant's undersigned attorney may be contacted at (724) 539-5485.

10. Conclusion

In view of the amendments and above remarks, it is believed that the application is in condition for allowance. Accordingly, an early Notice Of Allowance is respectfully requested.

Respectfully submitted,



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